

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATATERN, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:09-CV-178
	§	
THE ALLSTATE CORPORATION,	§	
ALLSTATE INSURANCE COMPANY,	§	
ALLSTATE LIFE INSURANCE	§	
COMPANY, BAYER CORPORATION,	§	
BP AMERICA INC., BUY.COM INC.,	§	
CHEVRON CORPORATION,	§	
CHEVRON U.S.A. INC., CHEVRON	§	
PRODUCTS COMPANY,	§	
CONOCOPHILLIPS COMPANY,	§	
CONOCOPHILLIPS, HALLIBURTON	§	
COMPANY, HSN, INC., HSN	§	
INTERACTIVE LLC, JPMORGAN	§	
CHASE & CO., JPMORGAN CHASE	§	
BANK, N.A., CHASE BANK USA, N.A.,	§	
WASHINGTON MUTUAL, INC.,	§	
NATIONWIDE FINANCIAL SERVICES,	§	
INC.; NATIONWIDE MUTUAL	§	
INSURANCE CCOMPANY, THE	§	
PRUDENTIAL REAL ESTATE	§	
AFFILIATES, INC., THE PRUDENTIAL	§	
INSURANCE COMPANY OF	§	
AMERICA, PRUDENTIAL FINANCIAL,	§	
INC., SUNTRUST BANKS, INC., AND	§	
SUNTRUST BANK,	§	
	§	
Defendants.	§	

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff, DataTern, Inc. and defendants, JP Morgan Chase & Co., JP Morgan Chase Bank, N.A., and Chase Bank USA, N.A., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action with prejudice and dismissing all counterclaims as moot, subject to the terms of

that certain agreement entitled "Settlement Agreement" and dated October 30, 2009, with each party to bear its own costs, expenses and attorneys fees.

DATED: November 13, 2009

Respectfully submitted,

/s/ Marc A. Fenster

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Attorney for Defendants, JP Morgan  
Chase & Co., JP Morgan Chase Bank,  
N.A., and Chase Bank USA, N.A.

**Certificate of Service**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 13th day of November, 2009. All other counsel not deemed to have consented to service in such manner will be served via facsimile transmission and/or first class mail.

/s/ Trey Yarbrough  
Trey Yarbrough